

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	: <b>CRIMINAL NO. 1:12-CR-0091</b>
	:	
v.	:	: <b>(Chief Judge Conner)</b>
	:	
<b>EDDIE RODRIGUEZ-MELENDEZ</b>	:	
	:	

**ORDER**

AND NOW, this 12th day of November, 2014, upon consideration of the motion (Doc. 975) filed by defendant Eddie Rodriguez-Melendez (“Rodriguez-Melendez”), wherein Rodriguez-Melendez requests “any and all impeachment material in the possession of the U.S. government that falls within the scope of the Jencks Act,” but see 18 U.S.C. § 3500(a) (“In any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness or prospective Government witness (other than the defendant) shall be the subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.”), and it appearing that the court lacks authority to require disclosure of Jencks Act material prior to a witness testifying on direct examination, see United States v. D’Elia, No. 3:CR-06-191, 2007 WL 2458487, at \*7 (M.D. Pa. Aug. 24, 2007) (“The Third Circuit . . . has held that district courts lack the authority to compel early production of Jencks material.” (citing United States v. Murphy, 569 F.2d 771, 773

(3d Cir. 1978)), it is hereby ORDERED that Rodriguez-Melendez's motion (Doc. 975) for pre-trial release of Jencks Act materials is DENIED.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania